MONTANA
ADMINISTRATIVE
REGISTER

ISSUE NO. 24 – DECEMBER 19, 2025

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MONTANA
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OFFICE OF THE COMMISSIONER OF POLITICAL PRACTICES

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-845.1

Summary

The Office of the Commissioner of Political Practices (COPP) proposes the adoption of a new rule, ARM 44.11.507, prohibiting foreign interference in statewide ballot issues.

No Hearing Scheduled

If the agency receives requests for a public hearing on the proposed rulemaking from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed rulemaking; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register.

The estimated number of persons directly affected by the proposed rulemaking is 200.

Comments

Comments may be submitted via email at cppcompliance@mt.gov or via fax at (406) 444-1643. Comments must be received by Friday, January 16, 2026, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Friday, January 2, 2026, at 5:00 p.m.

Contact

Scott Cook
(406) 369-1910
cppcompliance@mt.gov

General Reasonable Necessity Statement

COPP proposes to adopt a new rule, ARM 44.11.507, to facilitate the enforcement of House Bill 818 passed by the 2025 Montana Legislature. The proposed new rule clarifies prohibitions and the record keeping duties of ballot issue committee treasurers.

Rulemaking Actions

ADOPT

The rule proposed to be adopted is as follows:

NEW RULE 1 (44.11.507) PROHIBITION ON FOREIGN NATIONAL INTERFERENCE IN STATEWIDE BALLOT ISSUES

(1) For purposes of this rule, "foreign national" has the meaning as defined in 13-37-501, MCA. The term "ballot issue" has the meaning as defined in 13-1-101, MCA.

(2) A foreign national is prohibited from making contributions or expenditures in connection with any statewide ballot issue whether the foreign national acts directly or indirectly through an intermediary. An intermediary includes any individual or entity.

(3) It is unlawful for any committee or individual to knowingly solicit or facilitate a foreign national's financial involvement in a statewide ballot issue campaign. Any contribution that originated from a foreign national source, whether received directly or via an intermediary, may not be used by a committee or individual in connection with any statewide ballot issue.

(4) The donor affirmation required pursuant to [HB 818] must be in writing and include an affirmation that the donor does not accept contributions from foreign nationals; or segregates contributions received from foreign nationals to prevent those funds from being used in statewide ballot issues.

(5) COPP shall provide standardized forms for donor affirmations. Committee treasurers may use COPP-provided forms or substantially similar forms which include all information required by [HB 818] and (4) of this rule.

(6) Donor affirmations need not be filed with the committee's periodic finance reports but are part of the committee treasurer's record keeping obligations required by 13-37-207 and 13-37-208, MCA.

Authorizing statute(s): 13-37-114, MCA

Implementing statute(s): [House Bill 818]

Small Business Impact

The proposed new rule will impact foreign nationals, including small businesses owned by foreign nationals by prohibiting foreign national interference in statewide ballot issues. COPP has determined there will not be a direct significant impact to small businesses.

Bill Sponsor Notification

The bill sponsor was notified on November 5, 2025, via email.

Interested Persons

COPP maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name and e-mail address of the person wishing to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be sent to COPP via email.

Rule Reviewer

Scott Cook

Approval

Chris J. Gallus, Commissioner of Political Practices

MONTANA
ADMINISTRATIVE
REGISTER

DEPARTMENT OF FISH, WILDLIFE AND PARKS

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-274.1

Summary

Updating ARM Title 12, chapter 9, subchapter 16 to reflect changes in House Bill 932 Conservation Programs related to the Kelly Flynn Wildlife Habitat Improvement Program and Legacy Act.

Hearing Date and Time

Tuesday, January 20, 2026, at 10:00 a.m.

Virtual Hearing Information

Join Zoom Meeting

https://mt-gov.zoom.us/j/88959940462?pwd=8AZWmMh8jZ1kbzqbS8gX1QYwGfjHzQ.1

Meeting ID: 889 5994 0462

Password: 575790

Dial by Telephone

+1 646 558 8656

Meeting ID: 889 5994 0462

Password: 575790

Find your local number: https://mt-gov.zoom.us/u/kcKYbBce0Q

Join by SIP

88959940462@zoomcrc.com

Join by H.323 (Polycom)

162.255.37.11##88959940462

Comments

Comments may be submitted using the contact information below. Comments must be received by Wednesday, January 21, 2026, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Friday, January 9, 2026, at 5:00 p.m.

Contact

Andrew Amidon
406-444-7291
andrew.amidon@mt.gov

General Reasonable Necessity Statement

The 2025 Montana Legislature enacted Rep. Walsh's HB 932, which revised allocations from the marijuana state special revenue account and revised the Kelly Flynn Wildlife Habitat Improvement Program and Legacy Act (WHIP). The changes in HB 932 revise WHIP from a solely noxious weed management-focused program to one that also includes FWP grants to partners for proposed projects that improve, conserve, and maintain terrestrial and aquatic habitat, resulting in conservation gains for Montana's wildlife. HB 932 also revised the membership of the advisory council and preferences for grants, with final approval by the department for the proposed projects. The changes in the statute necessitate revising the current administrative rules before the next application cycle in 2026.

Rulemaking Actions

AMEND

The rules proposed to be amended are as follows, stricken matter interlined, new matter underlined:

12.9.1601 DEFINITIONS

In addition to the definitions provided in 87-5-802, MCA, the following definitions apply to this subchapter:

(1) "Conservation gain" ~~"Measurable objective"~~ means the ~~an~~ anticipated improvement ~~response~~ in population, trend, or distribution for a species of conservation need. ~~vegetation that will be measured to evaluate the effectiveness of a treatment to restore, rehabilitate, improve, or manage land as wildlife habitat through noxious weed management.~~

(2) "Habitat uplift" means restoring habitats from a degraded or less optimal condition to a more desirable condition, especially a condition with greater ecological function.

(3) "Measurable objective" means a specific, quantifiable, and time-bound standard used to evaluate the effectiveness of a project to restore, rehabilitate, enhance, improve, or manage land or waters as wildlife habitat, or to generate conservation gain for species of conservation need.

(4) ~~(2)~~"Priority habitat" means ecological ~~plant communities or~~ settings or ecosystems that provide ~~a~~ unique, high-value habitat~~,~~ that is important to one or more ~~priority wildlife~~ species of conservation need.

~~(3) "Priority wildlife species" means species of conservation concern or game species that are recognized by the state of Montana for their ecological, economic, or recreational values.~~

(5) ~~(4)~~"Project area" means the land or water comprising ~~treatments and~~ the proposed habitat improvement, enhancement, restoration, or conservation project and ~~area~~ where the anticipated benefits are located, ~~benefits are anticipated,~~ such as a watershed, ecological unit, or other defined area.

(6) ~~(5)~~"Project sponsor" means a ~~the local,~~ state, federal, tribal, or government agency; a municipal or county agency, including conservation districts, weed control districts, irrigation districts, and grazing associations; a non-profit organization or other organization, or an individual, ~~or national organization,~~ either public or private, administering a project.

(7) “Public access” means that the public has the opportunity to participate in hunting, fishing, or other wildlife-related recreational activities on lands included in the project area.

(8) “Species of conservation need” means a species that is considered at-risk due to declining population trends, threats to their habitats, restricted distribution, or other factors; or other species that are recognized by the state of Montana for their ecological, economic, or recreational values.

~~(6) "Treatment areas" means specific sites where noxious weed management treatments occur.~~

~~(7) "Weed management strategy" means a planning document that provides direction for identifying, prioritizing, and treating noxious weeds.~~

Authorizing statute(s): 87-5-808, MCA

Implementing statute(s): 87-5-803, 87-5-804, 87-5-805, 87-5-806, 87-5-807, MCA

Reasonable Necessity Statement

ARM 12.9.1601 is being amended to clarify the new terms at 87-5-802, MCA, and to repeal the terms which were necessary under the previous version of the program.

12.9.1603 APPLICATION PROCEDURE

(1) The department will solicit grant ~~Grant~~ proposals on an annual basis, with additional proposals ~~will be~~ solicited if funding is available, on another date ~~annually on dates~~ established by the department.

~~(2)~~ The department may reject proposals ~~Proposals~~ with incomplete information ~~may be rejected~~.

(2) ~~(3)~~The applicant may request assistance from the department in completing the application. The department will provide such assistance, the level of which will be determined by availability of staff and funds.

(3) ~~(4)~~The department will review and provide analysis to the advisory council regarding adherence to eligibility and application requirements. The advisory council will evaluate ~~review~~, rank, and recommend proposed projects and funding ~~according to this subsection~~. ~~Advisory council~~ Their recommendations will be provided ~~submitted~~ to the department for final review and decision on ~~determination of~~ funding. The applicant will receive written notification from the

department and the council ~~of the action taken on~~ regarding the outcome of their ~~the~~ proposal.

Authorizing statute(s): 87-5-808, MCA

Implementing statute(s): 87-5-803, 87-5-804, 87-5-805, 87-5-806, 87-5-807, MCA

Reasonable Necessity Statement

ARM 12.9.1603 is amended to simplify procedures for grant proposals.

12.9.1604 GRANT APPLICATIONS

(1) Grant applications must address how projects would create habitat uplift or net conservation gain for species of conservation need or restore, rehabilitate, improve, or manage land or water as wildlife or aquatic habitat through habitat improvement or conservation. All applications ~~noxious weed management, and~~ must contain the following criteria:

(a) the name, address, and telephone number of the project sponsor, project manager, and liaison (if different from the ~~than~~ manager);

(b) the title or name of the proposed project;

(c) a description of the proposed project, including measurable objectives;

(d) the total grant amount requested;

(e) ~~(d)~~ the location and size (area) of the proposed project and maps depicting the specific location of the project area, and ownership of participating lands~~, and treatment areas~~;

~~(e) a description of public hunting accessibility of participating lands within the project area;~~

(f) a brief description of the history and background of the project;

(g) a list of the species of conservation need expected to benefit from habitat improvement projects and a description of how those species are expected to benefit ~~priority wildlife species and habitat(s) involved and how the targeted noxious weeds are specifically impacting wildlife habitat functions~~;

(h) a description of the need and urgency of the proposed project, including details of how the project would do one or more of the following: ~~restore,~~

~~rehabilitate, improve, or manage land as wildlife habitat through noxious weed management;~~

(i) improve, conserve, protect, or maintain terrestrial or aquatic habitats;

(ii) water enhancement projects to benefit aquatic habitat and allow for other watershed enhancements that benefit fish, wildlife, and water conservation;

(iii) improve, maintain, or restore range conditions and increase drought resilience;

(iv) address and mitigate detrimental impacts to wildlife habitat and the environment, and improve the condition of the land due to noxious weeds, soil disturbance, or loss of diverse habitat communities;

(v) mitigate conflicts and reduce the potential for disease transmission between wildlife and domestic livestock;

(vi) support activities and employees of the state tribal wildlife programs or create habitat uplift and net conservation gain for species of conservation need;

(i) a description of the measurable objectives of the project~~, including acres of priority habitat to benefit from the proposed project~~;

(j) a description of public access to participating lands within the project area if public access is provided as a part of the proposal ~~a treatment plan as described in (2)~~;

(k) any other information deemed relevant by the department, which is included in the project application;

(l) ~~(k)~~ a funding plan as described in (2)~~(3)~~;

(m) a timeline and schedule for completion of the proposed project, including start dates and expected completion dates; and

(n) ~~(l)~~ a statement that the project sponsor, if the grant receives approval, is willing to enter ~~into~~ a contract with the department for utilization of grant funds and required documentation, reporting, and monitoring.~~; and~~

~~(m) a layout of a monitoring plan as described in (4). The monitoring plan allows the department to analyze how noxious weed management is restoring, rehabilitating, improving, or managing land as wildlife habitat. Monitoring shall provide actual results of the proposed measurable objectives.~~

~~(2) The treatment plan must include the following:~~

~~(a) an inventory of the current weed infestation in the project area and surrounding vicinity;~~

~~(b) a description of native plant life and occurrence in association with weed infestations;~~

~~(c) a description of causative factors for the weed infestation and how those may be addressed;~~

~~(d) a description of proposed treatment methods including a schedule of major project phases; a list of herbicides, biological control agents, and cultural methods; acreage estimate of treatments; proportion of infestation to be treated; anticipated follow-up treatment(s);~~

~~(e) measures to minimize impacts to non-target plant species; and~~

~~(f) post treatment management to reduce susceptibility to weed invasion.~~

(2) ~~(3)~~The funding plan must include the following:

(a) the amount of funding contribution requested from the Wildlife Habitat Improvement Program, and the total amount of funding and in-kind contributions necessary to complete the project;

(b) a breakdown of the cost components used to estimate the funding request;

(c) a timeline detailing expected funding needs for the duration of the project, including any advance payments that may be requested; and

(d) If multiple partners are involved in a proposed project:

(i)~~(a)~~ a list of partners and their respective ~~non-federal~~ cash commitments ~~sufficient to meet grant matching requirements~~;

(ii)~~(b)~~ a list of leveraged funds and in-kind contributions ~~that are in addition to the minimum non-federal match requirements~~; and

(iii)~~(c)~~signed letters of commitment from each funding partner ~~partners~~ that identifies their role in the partnership ~~identify the partner role~~, the source and amount of funds committed, and other in-kind contributions toward the proposed project.

(3) Grant funds may not be used to acquire perpetual easements or lands in fee title.

~~(4) The layout of the monitoring plan must include the following:~~

~~(a) documentation of pre- and post-treatment conditions using repeatable quantitative and photographic methods:~~

~~(i) for herbicide and cultural treatments, measurements of targeted noxious weeds and all accompanying plant life, to be annually conducted at representative treatment locations during the treatment year and three consecutive years post-treatment; and~~

~~(ii) for biocontrol methods, three years of post-release sampling to determine occurrence of biocontrol agent. Measurements of targeted noxious weeds and native plant life at representative release locations, during the treatment year and years three and five post-treatment.~~

Authorizing statute(s): 87-5-808, MCA

Implementing statute(s): 87-5-803, 87-5-804, 87-5-805, 87-5-806, 87-5-807, MCA

Reasonable Necessity Statement

ARM 12.9.1604 is amended to update WHIP grant proposal requirements with HB 932.

12.9.1605 GRANT APPLICATION SCORING AND RANKING

(1) Scoring criteria are the primary guide for ranking applications and for the determination of grant viability. The department and advisory council will develop specific scoring guidance. Additional factors outside of the scoring criteria may be considered. Applications that meet minimum qualifications will receive a score based on the following criteria:

(a) The project would support the recovery of degraded habitats through improvement, restoration, or enhancement efforts, or otherwise provide habitat uplift to or conservation gain to species of conservation need.

(b) The application identifies priority habitats and/or species of conservation need expected to benefit from the project.

(c) The geographic and temporal scope of the project. Projects impacting larger areas, across multiple landownerships, or with benefits over longer time scales will be given greater consideration than those with small-scale or short-term impacts.

(d) If a project area provides public access, it will be given priority over projects that do not.

(e) The amount of additional funding and in-kind contributions provided by project partners to complete the project. Projects providing greater amounts of outside-cost-sharing funds will be scored higher.

(f) The number of additional partners involved in project funding, planning, implementation, and monitoring.

(g) The grant application contains measurable objectives to evaluate project efforts and success.

~~(1)~~(2) Before review ~~Prior to scoring~~ by the council, the department will review and provide analysis to the advisory council regarding application completeness and adherence to eligibility and application requirements.

~~(2)~~(3) The council will make funding recommendations to the department based upon their review, scores, and ranking ~~the final rank scores~~. Council funding recommendations need not be based solely on ranking scores. They may consider components of applications deemed relevant by the council during the review process. The department will make final decisions on which projects will be funded. ~~recommended for funding. Approval of project grant proposals is ultimately at the discretion of the U.S. Fish and Wildlife Service Federal Aid program.~~

~~(3) Scoring criteria is the primary guide for ranking applications and for determination of grant viability. Additional factors outside of the scoring criteria may be considered. Applications that meet minimum qualifications will receive a score based on the following criteria:~~

~~(a) Proposal involves a noxious weed threat with compelling information on how the infestation directly diminishes the effectiveness of a priority habitat to support one or more priority wildlife species. (0 to 20 pts)~~

~~(b) Proposal would significantly reduce or resolve noxious weed threat and support habitat effectiveness over a sizable portion of priority habitat and associated watersheds. Applications that do not include a minimum acreage of priority habitat to benefit from grant funding will receive zero points. (0 to 20 pts)~~

~~(c) Project would help implement an established weed management strategy, is technically feasible, and would maintain or restore native vegetation. (0 to 10 pts)~~

~~(d) Management of project area addresses the primary spread of noxious weeds to native wildlife habitats (up to 5 pts) while also providing for native plant community health to reduce susceptibility to weed invasion (up to 5 pts). (0 to 10 pts)~~

~~(e) Project involves funding commitments from multiple partners (up to 5 pts) and leverages additional funding or in-kind contribution beyond the minimum required (up to 5 pts). (0 to 10 pts)~~

~~(f) Project demonstrates an effective collaboration across multiple land ownerships. Cooperative Weed Management Areas, as defined in the Montana State Weed Management Plan, would receive the highest points. (0 to 15 pts)~~

~~(g) Project area provides access for public hunting. (0 to 15 pts)~~

~~(h) Monitoring plan meets or exceeds requirements as described in 12.9.1604. (0 to 10 pts)~~

~~(i) The grant application, including proposal information, funding plan, and monitoring plan, is clear, well organized, and reflects a high likelihood of success for all aspects of the proposed project (up to 5 pts). Grant application characteristics or circumstances that may be valuable but are not captured in other scoring criteria (up to 5 pts). (0 to 10 pts)~~

Authorizing statute(s): 87-5-808, MCA

Implementing statute(s): 87-5-803, 87-5-804, 87-5-805, 87-5-806, 87-5-807, MCA

Reasonable Necessity Statement

ARM 12.9.1605 is amended to update WHIP grant proposal requirements with HB 932.

12.9.1606 GRANTS

~~(1) Successful applicants for grants funded by federal Pittman-Robertson Wildlife Restoration funding are federal grant sub-recipients subject to administrative requirements of the Pittman-Robertson Wildlife Restoration Act, including Title 50 CFR 80.20-160.~~

(1) ~~(2)~~ Grants may not exceed ~~be up to 5~~ five years in duration. ~~although funding allocations will be provided on an annual basis; after~~ After the first year, ~~annual~~ funding allocations and reimbursements will depend on the ~~be dependent upon~~ satisfactory completion of grant award requirements in ~~(implementation and reporting)~~ the previous year.

(2) Upon request of the grantee, the department may extend the total length of a grant by up to two years to expend funds and accomplish the goals detailed in the grant. The department may approve or deny requests for extension based on a determination of the grantee's ability to complete the work within the additional time frame or other factors the department deems relevant.

(3) Grants will be on a reimbursable basis. Distribution of funds ~~Reimbursement~~ will be based on documented, eligible expenses up to the amount awarded ~~and in proportion to spending of eligible match~~.

(4) All requests for reimbursement must be supported by original invoices, receipts, proof of expenses, or proof of conservation activity verified by department personnel that the work has been satisfactorily completed.

(a) After a grant is awarded, at the request of the grantee, the department may make an advance distribution of funds of up to 50% of the total grant amount. Advance payment requests must include an estimated cost breakdown and timeline, or other detailed explanation of the request and plans for expenditure. Advance payment may be allocated at annual intervals or as one lump sum.

(b) Reimbursement of additional grant expenses before verification of the advance funds being fully expended is received will be at the discretion of the department.

(5) If applicable, evidence of landowner permission to conduct conservation projects on private lands will be provided to the department before the work is performed.

(6) ~~(4)~~ Minimum criteria to qualify for a grant ~~are listed as follows and~~ serve as a basis for competitive review ~~ranking~~ of proposals:

(a) ~~the project must enhance priority habitats for one or more priority wildlife species through control, management, or eradication of noxious weeds;~~

~~(b)~~ ~~noxious weed invasion must represent a direct threat to priority habitat function;~~

~~(c)~~ the project area ~~area must~~ includes ecologically important wildlife habitat that is in need of improvement, enhancement, or restoration;

(b) ~~(d)~~ the project would have a reasonable probability of habitat improvement or providing conservation gain to species of conservation need ~~treatment effectiveness that includes effective methodology, anticipated plant community recovery, preservation of non-target plant species, post treatment management~~;

(c) ~~(e)~~ if applicable, the proposal provides a detailed description of activities and a funding plan for any employees of state tribal wildlife programs that grant dollars will fund ~~exhibits a landscape scale approach or benefit~~;

(d) ~~(f)~~ if applicable, the proposal provides a detailed description and strategic plan for how grant funds will be used to mitigate conflicts and reduce potential disease transmission for wildlife and domestic livestock; and ~~the project must include a minimum 25% nonfederal match and must meet additional match requirements depending on the funding source of the project. The proposal must describe the source and type of nonfederal match. The match funds may only be spent on eligible grant activities as described in ARM 12.9.1602; and~~

(e) ~~(g)~~ the department may determine if the individual, organization, or agency can administer a grant or contract in the amount requested. ~~projects must occur in an eligible county as required by the Montana Wildlife Habitat Improvement Act, 87-5-801 through 87-5-808, MCA.~~

(7) An annual report detailing work completed, results achieved towards meeting measurable objectives, and cost breakdown will be provided at the end of each calendar year. Annual reports will be submitted promptly to the department, documenting the progress of the habitat projects and expenditures. A final project completion report summarizing the work completed and accomplishments related to the grant's measurable objectives will be submitted before final payment is made.

~~(5) Reports of monitoring results shall be provided to the department by the end of December of each year.~~

~~(6) The department may develop standardized monitoring techniques, consistent with these rules.~~

(8) Projects that have reached the maximum grant duration are eligible to apply for additional funding by submitting a new grant application for consideration.

Authorizing statute(s): 87-5-808, MCA

Implementing statute(s): 87-5-803, 87-5-804, 87-5-805, 87-5-806, 87-5-807, MCA

Reasonable Necessity Statement

ARM 12.9.1606 is amended to bring all requirements for the administration of a grant, once awarded, into a single rule, including elements of expenditures that are eligible for reimbursement from ARM 12.9.1602.

REPEAL

The rule proposed to be repealed is as follows:

12.9.1602 ELIGIBLE EXPENDITURES

Authorizing statute(s): 87-5-808, MCA

Implementing statute(s): 87-5-803, 87-5-804, 87-5-805, 87-5-806, 87-5-807, MCA

Reasonable Necessity Statement

ARM 12.9.1602 is proposed to be repealed as the necessary elements have been included in the amendments to ARM 12.9.1606.

Small Business Impact

The small business fiscal implications of HB 932 were considered by the legislature in approving the changes to WHIP. HB 932 provides that state, tribal, and federal agencies, along with municipal or county agencies, including conservation districts, weed control districts, irrigation districts and grazing associations; or individuals, nonprofits and organizations may all apply for a grant under WHIP. According to HB 932, grants may no longer include funding for reimbursement of a project partner's administrative costs as a portion of the award. This means that the project partners will have to absorb administrative costs. Documentation of the small business impact analysis is available upon request.

Bill Sponsor Notification

FWP initially contacted Representative Walsh by his legislative email address regarding administrative rulemaking for HB 932 on August 8, 2025. Once the initial consultation with outside partners provided feedback for the proposed rules, FWP provided Representative Walsh with the draft proposals on November 10, 2025. Representative Walsh's suggested changes and comments have been incorporated into the above proposed amendments and repeal.

Interested Persons

The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department, commission or board. Persons who wish to have their name added to the list shall make a written request that includes the name and mailing or email address of the person to receive the notice. Written requests may be mailed or delivered to the Department of Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, or may be completed online at https://public.govdelivery.com/accounts/MTFWP/subscriber/new.

Rule Reviewer

Jaime MacNaughton

Approval

Christy Clark, Director

MONTANA
ADMINISTRATIVE
REGISTER

BOARD OF REAL ESTATE APPRAISERS
DEPARTMENT OF LABOR AND INDUSTRY

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-261.1

Summary

Implementation of House Bill 246 pertaining to substantial equivalency and updating the reference to the Real Property Appraiser Qualification criteria

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Hearing Date and Time

Tuesday, January 13, 2026, at 2:00 p.m.

Virtual Hearing Information

A public hearing will be held via remote conferencing to consider the proposed changes to the agency's rules. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

Join Zoom Meeting: https://mt-gov.zoom.us/j/84022653601

Meeting ID: 840 2265 3601; Password: 2183858339

Dial by Telephone: +1 646 558 8656

Meeting ID: 840 2265 3601; Password: 2183858339

Comments

Concerned persons may present their data, views, or arguments at the hearing. Written data, views, or arguments may also be submitted at dli.mt.gov/rules or P.O. Box 1728, Helena, Montana 59624. Comments must be received by Friday, January 16, 2026, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Tuesday, January 6, 2026, at 5:00 p.m.

Contact

Department of Labor and Industry
(406) 444-5466
laborlegal@mt.gov
Montana Relay: 711

Rulemaking Actions

AMEND

The rule proposed to be amended is as follows, stricken matter interlined, new matter underlined:

24.207.203 INCORPORATION BY REFERENCE OF THE REAL PROPERTY APPRAISER QUALIFICATION CRITERIA

(1) Except as stated in (3) and ARM 24.207.508 regarding ad valorem tax appraisal experience, the board adopts and incorporates by reference the Real Property Appraiser Qualification Criteria (AQB Criteria), effective January 1, ~~2022~~ 2026, in its entirety, inclusive of the criteria, interpretations, guide notes, and Q&A, and Policy Statements, published by the Appraiser Qualifications Board of ~~the~~ The Appraisal Foundation. ~~The Real Property Appraiser Qualification Criteria are commonly referred to as the "AQB criteria."~~ A copy of the ~~criteria~~ AQB Criteria and policy statements are available from ~~the~~ The Appraisal Foundation at www.appraisalfoundation.org, or 1155 15th Street NW, Suite 1111, Washington, DC 20005.

(2) The AQB ~~criteria~~ Criteria covers the qualifying experience, education, examination, and background check requirements necessary to become a trainee, trainee supervisor, licensed appraiser, or certified appraiser; and the standards, scopes of practice, and continuing education requirements for each category of licensure.

(3) The board amends the following AQB Criteria:

(a) "Criteria Specific to Continuing Education," Part III F, paragraph ~~11~~ 12 is amended with the addition of the following: "The board has a two-year continuing education cycle."

(b) "Criteria Specific to Continuing Education," Part III F, paragraph ~~13~~ 14, ~~delete~~ is amended to replace the first sentence and replace with the following: "If after audit, a credential holder is determined to be deficient in continuing education, the ~~state~~ board will offer a 60-day opportunity to cure and complete all required education hours for that continuing education cycle. If the credential holder fails to cure the continuing education deficiency, the ~~state~~ board will place the credential holder in an "administrative suspension" status and report the credential holder to the national registry as AQB-noncompliant until the audited deficiency and any accrued deficiency is cured. A demonstrated pattern of deficiencies may result in referral to the board for ~~traditional~~ disciplinary action."

(c) "Background Checks," Part VII, paragraph C, is amended ~~with the addition of~~ to include the following: "As provided by Title 37, chapter 1, part 2, MCA, the board may not base a denial of a license solely on a previous criminal conviction unless it finds, after investigation, the applicant has not been sufficiently rehabilitated as to warrant the public trust."

Authorizing statute(s): 37-1-131, 37-54-105, MCA

Implementing statute(s): 37-1-131, 37-1-203, 37-1-321, 37-54-105, MCA

Reasonable Necessity Statement

These revisions are reasonably necessary to update references to the Real Property Appraiser Qualification (AQB) in order to reflect the forthcoming amendments to the AQB Criteria, including changes to its effective date. The edits ensure consistency with the most current standards as promulgated by the AQB.

ADOPT

The rule proposed to be adopted is as follows:

NEW RULE 1 SUBSTANTIAL EQUIVALENCY

(1) The board adopts and incorporates by reference the 2025 substantial equivalency list for the Board of Real Estate Appraisers publication. The publication is available on the board's website.

(2) The board intends to review the publication annually. However, failure to review or adopt a new list does not change the effectiveness of the adoption of this rule.

(3) License applications from individuals licensed in substantially equivalent states are routine applications as to the education, examination, and experience requirements for licensure. Applications may be nonroutine on other bases.

Authorizing statute(s): 37-1-131, MCA

Implementing statute(s): 37-1-304, MCA

Reasonable Necessity Statement

The 2025 Montana Legislature passed House Bill 246 which was signed by the Governor April 3, 2025, and became effective October 1, 2025. The bill standardizes substantial equivalency determinations in professional licensing and eliminates duplicative statutory sections regarding equivalency and reciprocity.

While historically available to applicants licensed in other states or jurisdictions, licensure by substantial equivalency has never been consistent among the professional licensing boards and programs. House Bill 246 creates a standard definition for determining substantial equivalency to be uniformly utilized by all the boards and programs when processing endorsement applications. This will create overall efficiencies in processing endorsement applications and reduce licensing wait times for applicants and employers.

To implement the legislation and further the endorsement licensing process, the board is proposing to adopt NEW RULE 1. The board has compared current licensure standards of the fifty United States for board licensees and determined those that are substantially equivalent per the definition in 37-1-302, MCA. This new rule will adopt and incorporate by reference the board initial approved list of states having substantially equivalent licensing standards. The list will be published on the board website. The board will analyze other states' licensing standards annually, and update the published list as needed.

Small Business Impact

Pursuant to 2-4-111, MCA, the Montana small businesses that will probably be affected by the proposed rule changes are individual property appraisers. The board has determined that the proposed rule changes will not create a significant and direct impact on these small businesses. Documentation of the small business impact analysis is available upon request.

Bill Sponsor Notification

The bill sponsor contact requirements apply and have been fulfilled. The primary bill sponsor was contacted on July 7, 2025, by electronic mail.

Interested Persons

The agency maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the agency. Persons wishing to have their name added to the list may sign up at dli.mt.gov/rules or by sending a letter to P.O. Box 1728, Helena, Montana 59624 and indicating the program or programs about which they wish to receive notices.

Rule Reviewer

Quinlan L. O'Connor

Approval

Sarah Swanson, Commissioner

Approval

Pete Fontana, Chair, Board of Real Estate Appraisers

MONTANA
ADMINISTRATIVE
REGISTER

BOARD OF CHIROPRACTORS
DEPARTMENT OF LABOR AND INDUSTRY

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-264.1

Summary

Implementation of House Bill 246 Substantial Equivalency

Hearing Date and Time

Thursday, January 8, 2026, at 2:00 p.m.

Virtual Hearing Information

A public hearing will be held via remote conferencing to consider the proposed changes to the agency's rules. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

Join Zoom Meeting: https://mt-gov.zoom.us/j/88675937963

Meeting ID: 886 7593 7963; Password: 0529136277

Dial by Telephone: +1 646 558 8656

Meeting ID: 886 7593 7963; Password: 0529136277

Comments

Concerned persons may present their data, views, or arguments at the hearing. Written data, views, or arguments may also be submitted at dli.mt.gov/rules or P.O. Box 1728, Helena, Montana 59624. Comments must be received by Friday, January 16, 2026, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Friday, January 2, 2026, at 5:00 p.m.

Contact

Department of Labor and Industry
(406) 444-5466
laborlegal@mt.gov
Montana Relay: 711

General Reasonable Necessity Statement

The 2025 Montana Legislature passed House Bill 246 which was signed by the Governor April 3, 2025, and became effective October 1, 2025. The bill standardizes substantial equivalency determinations in professional licensing and eliminates duplicative statutory sections regarding equivalency and reciprocity.

While historically available to applicants licensed in other states or jurisdictions, licensure by substantial equivalency has never been consistent among the professional licensing boards and programs. House Bill 246 creates a standard definition for determining substantial equivalency to be uniformly utilized by all the boards and programs when processing endorsement applications. This will create overall efficiencies in processing endorsement applications and reduce licensing wait times for applicants and employers.

To implement the legislation and further the endorsement licensing process, the Board of Chiropractors (board) is proposing to adopt NEW RULE 1. The board has compared current licensure standards of the fifty United States for Board of Chiropractors' licensees and determined those that are substantially equivalent per the definition in 37-1-302, MCA. This new rule will adopt and incorporate by reference the Board of Chiropractor's initial approved list of states having substantially equivalent licensing standards. The list will be published on the board's website. The board will analyze other states' licensing standards annually, and update the published list as needed.

The board is further amending ARM 24.126.504 to incorporate NEW RULE 1.

Rulemaking Actions

AMEND

The rule proposed to be amended is as follows, stricken matter interlined, new matter underlined:

24.126.504 APPLICATION FOR CHIROPRACTOR LICENSE

(1) Each applicant for licensure must submit:

(a) a completed application form;

(b) the applicable fee; and

(c) documentary evidence satisfactory to the department that the applicant:

(i) meets the education and examination requirements for licensure set by board statute or rule (application by examination); or

(ii) meets the criteria for licensure by substantial equivalency under 37-1-304, MCA (application by endorsement) ~~and~~ 37-12-302(3), MCA, and [NEW RULE 1]; and

(iii) meets the character and fitness requirements to practice.

(2) The department will verify character and fitness through:

(a) the applicant's personal history questions submitted with the application;

(b) the license history in any jurisdiction where the applicant has held a chiropractic license;

(c) a query from the National Practitioner Databank (NPDB); or

(d) other sources of unprofessional conduct allegations.

(3) Applicants under (1)(c)(i) must take the jurisprudence examination with a minimum score of 75 percent.

(4) Applicants under (1)(c)(ii) are exempt from:

(a) taking the jurisprudence examination; and

(b) meeting the bachelor's degree requirement under 37-12-302(3), MCA.

(5) The board authorizes the department to deem applications from applicants who hold an active license in another state as routine and substantially equivalent to Montana if the state requires:

(a) graduation from a college of chiropractic approved by the board; and

(b) passage of parts I through IV of the NBCE. An applicant from a state that does not require passage of the physiotherapy portion of the NBCE must submit evidence of having passed that portion of the exam; and

(c) passage of the jurisprudence examination.

(6) All license applications expire within 1 year of initial submission to the department.

Authorizing statute(s): 37-1-131, 37-12-201, MCA

Implementing statute(s): 37-1-105, 37-1-131, 37-1-304, 37-12-302, 37-12-304, MCA

ADOPT

The rule proposed to be adopted is as follows:

NEW RULE 1 SUBSTANTIAL EQUIVALENCY

(1) The board adopts and incorporates by reference the 2025 substantial equivalency list for the Board of Chiropractors publication. The publication is available on the board's website.

(2) The board intends to review the publication annually. However, failure to review or adopt a new list does not change the effectiveness of the adoption in this rule.

(3) License applications from individuals licensed in substantially equivalent states are routine applications as to the education, examination, and experience requirements for licensure. Applications may be nonroutine on other bases.

Authorizing statute(s): 37-1-131, MCA

Implementing statute(s): 37-1-304, MCA

Small Business Impact

The board identified chiropractic offices as the class of small businesses most likely to be affected by the proposed rule. The board identified no significant and direct impacts, but concluded possible impacts may include more streamlined licensing for offices wishing to hire from out of state, or applicants would have more information available about the licensing requirements if researching whether they would be coming from a substantially equivalent jurisdiction.

Bill Sponsor Notification

The primary bill sponsor was contacted on July 7, 2025, by electronic mail.

Interested Persons

The agency maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the agency. Persons wishing to have their name added to the list may sign up at dli.mt.gov/rules or by sending a letter to P.O. Box 1728, Helena, Montana 59624 and indicating the program or programs about which they wish to receive notices.

Rule Reviewer

Jennifer Stallkamp

Approval

Sarah Swanson, Commissioner

Approval

Julie Murack, D.C., President, Board of Chiropractors

MONTANA
ADMINISTRATIVE
REGISTER

BOARD OF BEHAVIORAL HEALTH
DEPARTMENT OF LABOR AND INDUSTRY

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-346.1

Summary

Implementation of House Bill 246 substantial equivalency

Hearing Date and Time

Tuesday, January 13, 2026, at 9:00 a.m.

Virtual Hearing Information

A public hearing will be held via remote conferencing to consider the proposed changes to the agency's rules. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

Join Zoom Meeting: https://mt-gov.zoom.us/j/81817471729

Meeting ID: 818 1747 1729; Password: 3210683510

Dial by Telephone: +1 646 558 8656

Meeting ID: 818 1747 1729; Password: 3210683510

Comments

Concerned persons may present their data, views, or arguments at the hearing. Written data, views, or arguments may also be submitted at dli.mt.gov/rules or P.O. Box 1728, Helena, Montana 59624. Comments must be received by Friday, January 16, 2026, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Tuesday, January 6, 2026, at 5:00 p.m.

Contact

Department of Labor and Industry
(406) 444-5466
laborlegal@mt.gov
Montana Relay: 711

General Reasonable Necessity Statement

The 2025 Montana Legislature passed House Bill 246 which was signed by the Governor April 3, 2025, and became effective October 1, 2025. The bill standardizes substantial equivalency determinations in professional licensing and eliminates duplicative statutory sections regarding equivalency and reciprocity. While historically available to applicants licensed in other states or jurisdictions, licensure by substantial equivalency has never been consistent among the professional licensing boards and programs.

House Bill 246 creates a standard definition for determining substantial equivalency to be uniformly utilized by all the boards and programs when processing endorsement applications. This will create overall efficiencies in processing endorsement applications and reduce licensing wait times for applicants and employers. To implement the legislation and further the endorsement licensing process, the board is proposing to adopt NEW RULE 1. The board has compared current licensure standards of the fifty United States for board licensees and determined those that are substantially equivalent per the definition in 37-1-302, MCA. This new rule will adopt and incorporate by reference the board's initial approved list of states having substantially equivalent licensing standards. The list will be published on the board's website. The board will analyze other states' licensing standards annually, and update the published list as needed.

Rulemaking Actions

ADOPT

The rule proposed to be adopted is as follows:

NEW RULE 1 SUBSTANTIAL EQUIVALENCY

(1) The board adopts and incorporates by reference the 2025 substantial equivalency list for the board's publication. The publication is available on the board's website.

(2) The board intends to review the publication annually. However, failure to review or adopt a new list does not change the effectiveness of the adoption in this rule.

(3) License applications from individuals licensed in substantially equivalent states are routine applications as to the education, examination, and experience requirements for licensure. Applications may be nonroutine on other bases.

Authorizing statute(s): 37-1-131, MCA

Implementing statute(s): 37-1-304, MCA

Small Business Impact

The Montana small businesses that will probably be affected by the proposed rule changes are small businesses that employ licensees of the board. The board's proposed changes do not significantly and directly affect Montana small businesses, and make the rules more clear for existing practitioners. Adoption of this rule does not change the board's existing practices for licensing out of state practitioners, but rather increases transparency for consumers and prospective licensees.

Bill Sponsor Notification

The primary bill sponsor was contacted by email on August 19, 2025.

Interested Persons

The agency maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the agency. Persons wishing to have their name added to the list may sign up at dli.mt.gov/rules or by sending a letter to P.O. Box 1728, Helena, Montana 59624 and indicating the program or programs about which they wish to receive notices.

Rule Reviewer

Jennifer Stallkamp

Approval

Sarah Swanson, Commissioner

Approval

Annette Beaudry, LCSW, Chair, Board of Behavioral Health

MONTANA
ADMINISTRATIVE
REGISTER

BOARD OF PUBLIC ACCOUNTANTS
DEPARTMENT OF LABOR AND INDUSTRY

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-350.1

Summary

Implementing HB 246 Substantial Equivalency

Hearing Date and Time

Wednesday, January 14, 2026, at 9:00 a.m.

Virtual Hearing Information

A public hearing will be held via remote conferencing to consider the proposed changes to the agency's rules. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

Join Zoom Meeting: https://mt-gov.zoom.us/j/85109549174

Meeting ID: 851 0954 9174; Password: 8295272392

Dial by Telephone: +1 646 558 8656

Meeting ID: 851 0954 9174; Password: 8295272392

Comments

Concerned persons may present their data, views, or arguments at the hearing. Written data, views, or arguments may also be submitted at dli.mt.gov/rules or P.O. Box 1728, Helena, Montana 59624. Comments must be received by Friday, January 16, 2026, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Wednesday, January 7, 2026, at 5:00 p.m.

Contact

Department of Labor and Industry
(406) 444-5466
laborlegal@mt.gov
Montana Relay: 711

General Reasonable Necessity Statement

The 2025 Montana Legislature passed House Bill 246 which was signed by the Governor April 3, 2025, and became effective October 1, 2025. The bill standardizes substantial equivalency determinations in professional licensing and eliminates duplicative statutory sections regarding equivalency and reciprocity. While historically available to applicants licensed in other states or jurisdictions, licensure by substantial equivalency has never been consistent among the professional licensing boards and programs.

House Bill 246 creates a standard definition for determining substantial equivalency to be uniformly utilized by all the boards and programs when processing endorsement applications. This will create overall efficiencies in processing endorsement applications and reduce licensing wait times for applicants and employers. To implement the legislation and further the endorsement licensing process, the board is proposing to adopt NEW RULE 1. The board has compared current licensure standards of the fifty United States for board licensees and determined those that are substantially equivalent per the definition in 37-1-302, MCA. This new rule will adopt and incorporate by reference the board's initial approved list of states having substantially equivalent licensing standards. The list will be published on the board's website. The board will analyze other states' licensing standards annually, and update the published list as needed.

Rulemaking Actions

ADOPT

The rule proposed to be adopted is as follows:

NEW RULE 1 SUBSTANTIAL EQUIVALENCY

(1) The board adopts and incorporates by reference the 2025 substantial equivalency list for the Board of Public Accountants publication. The publication is available on the board's website.

(2) The board intends to review the publication annually. However, failure to review or adopt a new list does not change the effectiveness of the adoption in this rule.

(3) License applications from individuals licensed in substantially equivalent states are routine applications as to the education, examination, and experience requirements for licensure. Applications may be nonroutine on other bases.

Authorizing statute(s): 37-1-131, MCA

Implementing statute(s): 37-1-304, MCA

Small Business Impact

The Montana small businesses that will probably be affected by the proposed rule changes are small businesses that employ public accountants. The board's proposed changes do not significantly and directly affect Montana small businesses, and make the rules more clear for existing practitioners. Adoption of this rule does not change the board's existing practices for licensing out-of-state accountants, but rather increases transparency for consumers and prospective licensees.

Bill Sponsor Notification

The primary bill sponsor was notified by email on August 20, 2025.

Interested Persons

The agency maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the agency. Persons wishing to have their name added to the list may sign up at dli.mt.gov/rules or by sending a letter to P.O. Box 1728, Helena, Montana 59624 and indicating the program or programs about which they wish to receive notices.

Rule Reviewer

Jennifer Stallkamp

Approval

Sarah Swanson, Commissioner

Approval

Mike Johns, CPA, Presiding Officer, Board of Public Accountants

MONTANA
ADMINISTRATIVE
REGISTER

DEPARTMENT OF LABOR AND INDUSTRY

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-404.1

Summary

Implementing HB 246 Substantial Equivalency as it pertains to the Private Security Program

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Hearing Date and Time

Friday, January 9, 2026, at 2:00 p.m.

Virtual Hearing Information

A public hearing will be held via remote conferencing to consider the proposed changes to the agency's rules. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

Join Zoom Meeting: https://mt-gov.zoom.us/j/87505281052

Meeting ID: 875 0528 1052; Password: 7219284706

Dial by Telephone: +1 646 558 8656

Meeting ID: 875 0528 1052; Password: 7219284706

Comments

Concerned persons may present their data, views, or arguments at the hearing. Written data, views, or arguments may also be submitted at dli.mt.gov/rules or P.O. Box 1728, Helena, Montana 59624. Comments must be received by Friday, January 16, 2026, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Friday, January 2, 2026, at 5:00 p.m.

Contact

Department of Labor and Industry
(406) 444-5466
laborlegal@mt.gov
Montana Relay: 711

General Reasonable Necessity Statement

The 2025 Montana Legislature passed House Bill 246 which was signed by the Governor April 3, 2025, and became effective October 1, 2025. The bill standardizes substantial equivalency determinations in professional licensing and eliminates duplicative statutory sections regarding equivalency and reciprocity.

While historically available to applicants licensed in other states or jurisdictions, licensure by substantial equivalency has never been consistent among the professional licensing boards and programs. House Bill 246 creates a standard definition for determining substantial equivalency to be uniformly utilized by all the boards and programs when processing endorsement applications. This will create overall efficiencies in processing endorsement applications and reduce licensing wait times for applicants and employers.

To implement the legislation and further the endorsement licensing process, the department is proposing to adopt NEW RULE 1. The department has compared current licensure standards of the fifty United States for private security licensees and determined those that are substantially equivalent per the definition in 37-1-302, MCA. This new rule will adopt and incorporate by reference the department's initial approved list of states having substantially equivalent licensing standards. The list will be published on the department website. The department will analyze other states' licensing standards annually, and update the published list as needed.

Rulemaking Actions

ADOPT

The rule proposed to be adopted is as follows:

NEW RULE 1 SUBSTANTIAL EQUIVALENCY

(1) The department adopts and incorporates by reference the 2025 substantial equivalency list for the Private Security Program publication. The publication is available on the department's website.

(2) The department intends to review the publication annually. However, failure to review or adopt a new list does not change the effectiveness of the adoption in this rule.

(3) License applications from individuals licensed in substantially equivalent states are routine applications as to the education, examination, and experience requirements for licensure. Applications may be nonroutine on other bases.

Authorizing statute(s): 37-1-131, MCA

Implementing statute(s): 37-1-304, MCA

Small Business Impact

Pursuant to 2-4-111, MCA, the Montana small businesses that will probably be affected by the proposed adoption of NEW RULE 1 are smaller employers that hire program licensees who were licensed through endorsement. If these licensed employees would benefit from a quicker licensing process, then their employers stand to benefit, as well. The program licensed 1,743 licensees last year. The department has determined that the proposed rule changes will not create a significant and direct impact on these small businesses.

Bill Sponsor Notification

The primary bill sponsor was contacted by email on September 9, 2025.

Interested Persons

The agency maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the agency. Persons wishing to have their name added to the list may sign up at dli.mt.gov/rules or by sending a letter to P.O. Box 1728, Helena, Montana 59624 and indicating the program or programs about which they wish to receive notices.

Rule Reviewer

Jennifer Stallkamp

Approval

Sarah Swanson, Commissioner

MONTANA
ADMINISTRATIVE
REGISTER

DEPARTMENT OF LABOR AND INDUSTRY

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-508.1

Summary

Independent Contractor Exemption Certificate Application Requirements

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Hearing Date and Time

Thursday, January 8, 2026, at 9:00 a.m.

Virtual Hearing Information

A public hearing will be held via remote conferencing to consider the proposed changes to the agency's rules. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

Join Zoom Meeting: https://mt-gov.zoom.us/j/83526418075

Meeting ID: 835 2641 8075; Password: 1189434270

Dial by Telephone: +1 646 558 8656

Meeting ID: 835 2641 8075; Password: 1189434270

Comments

Concerned persons may present their data, views, or arguments at the hearing. Written data, views, or arguments may also be submitted at dli.mt.gov/rules or P.O. Box 1728, Helena, Montana 59624. Comments must be received by Friday, January 16, 2026, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Friday, January 2, 2026, at 5:00 p.m.

Contact

Department of Labor and Industry
(406) 444-5466
laborlegal@mt.gov
Montana Relay: 711

General Reasonable Necessity Statement

There is reasonable necessity to amend the rules pertaining to independent contractor exemption certificates (ICEC) to reduce application requirements of notarization. Section 39-71-417, MCA, requires that applications be "under oath." While notarization is one means to satisfy that requirement, a declaration signed under the laws of the state of Montana is another way. The Department of Labor and Industry has made the policy determination that a reduction in ICEC application requirements is in the best interest of Montanans, and therefore proposes to eliminate notarization requirements.

Rulemaking Actions

AMEND

The rules proposed to be amended are as follows, stricken matter interlined, new matter underlined:

24.35.111 APPLICATION FOR INDEPENDENT CONTRACTOR EXEMPTION CERTIFICATE

(1) The applicant for an ICEC shall submit:

(a) a completed ICEC application on a department-approved form bearing the applicant's ~~notarized~~ signature~~, as required by ARM 24.35.112.~~;

(b) a fee, as required by ARM 24.35.121; and

(c) an executed~~, notarized~~ waiver conforming to the requirements of ARM 24.35.113.

(2) The department shall approve or deny an ICEC application within 30 days of receipt and notify the applicant in writing.

(3) The department shall retain an incomplete or denied application for a period of six months from the date of receipt and allow the applicant the opportunity to supplement supporting documentation or submit missing components. Upon the written request of applicant, the department shall re-evaluate an application, taking into consideration the supplemental information submitted by applicant. Incomplete applications that have not been approved within six months of receipt by the department will remain denied.

Authorizing statute(s): 39-71-417, MCA

Implementing statute(s): 39-71-417, MCA

Reasonable Necessity Statement

There is reasonable necessity to amend this rule to eliminate the requirement for notarization, for the reasons set forth in the general statement of reasonable necessity.

24.35.112 INDEPENDENT CONTRACTOR EXEMPTION CERTIFICATE APPLICATION ~~AFFIDAVIT~~

(1) On the form provided by the department, the applicant shall provide all information designated as required. The ~~form must be notarized, and the~~ applicant must state, under oath, the veracity of all information on and attached to the form.

(2) The applicant shall also submit supporting documentation to prove applicant's qualification for an ICEC. The department has the discretion to assess the reliability of the documentation and award points for each item of proof as outlined by this rule. Each item of documentation submitted may count toward points in more than one category. No more than two items of proof may be submitted under each category. To qualify for an ICEC, an applicant's documentation must be awarded a minimum of 15 points by the department for each independently established trade, occupation, profession, or business listed on the ICEC application.

(a) The department may award up to ten points for proof that the applicant has current workers' compensation, unemployment insurance, and Department of Revenue accounts for employees in each independently established trade, occupation, profession, or business. The department may award up to six points for proof of two insurance policies or accounts and may award up to three points for proof of one insurance policy or account.

(b) The department may award up to six points for each of the following proofs for each independently established trade, occupation, profession, or business:

(i) contract or memo of understanding that demonstrates applicant's independent contractor status. If the applicant can end a contract at any time without incurring any liability for failing to complete the project that is the subject of the contract, the department cannot award points for the contract under this rule. Separate contracts with different hiring agents may qualify for a maximum of six points. Each contract must include:

(A) payment based on a completed project;

(B) beginning and ending dates of the contract;

(C) liability for failure to complete the project;

(D) identification of who provides the materials and supplies;

(E) signatures by both parties; and

(F) defined body of work, complete project, or end result;

(ii) signed and dated list of equipment and tools owned or controlled by the applicant with approximate values. The equipment or tool list may be documented by a rental or lease agreement, county documents verifying the business equipment tax paid, or other means;

(iii) commercial general liability insurance policy or bonding;

(iv) most recent business tax forms filed within the past three years;

(v) IRS Form 1099s (miscellaneous income) from multiple hiring agents or two quarterly self-employment tax payments (IRS form 1040ES) within the past three years;

(vi) trucking company lease agreement; or

(vii) certification for Indian Preference by a federally recognized Indian tribe under the laws of that tribe.

(c) The department may award up to three points for each of the following proofs for each independently established trade, occupation, profession, or business:

(i) partnership or limited liability partnership agreement signed and dated by all partners that demonstrates:

(A) intent to form the partnership;

(B) contribution by all partners;

(C) a proprietary interest and right of control by the application; and

(D) the sharing of profit/loss;

(ii) current business license or building permit;

(iii) certificate of registration for the business entity issued by the Montana Secretary of State;

(iv) articles of incorporation, annual report, articles of organization, or other documentation that verifies the applicant is an officer in a corporation, a manager in a manager-managed limited liability company, or a member of a member-managed limited liability company;

(v) proof of ownership, home occupation license, rental or lease agreement with a statement that the property may be used for business or commercial use, or proof of IRS filing for use of home as a business;

(vi) educational certification for unlicensed occupations relevant to the trade, occupation, or profession for which the applicant seeks the ICEC;

(vii) current professional license relevant to the trade, occupation, or profession for which the applicant seeks the ICEC;

(viii) membership in a relevant professional association or affiliation;

(ix) current motor carrier (MC) authority number in applicant's personal or business name;

(x) business bank account; or

(xi) copies of advertising in a newspaper, phone book, web site on the internet, or other venue.

(d) The department may award up to one-and-one-half points for each of the following proofs for each independently established trade, occupation, profession, or business:

(i) federal employer identification number (EIN);

(ii) Dunn and Bradstreet number;

(iii) telephone or utility bill(s) in the business name;

(iv) credit card(s) or purchase account(s) in the business name;

(v) preprinted business invoices, business cards, or brochures;

(vi) proof of order(s) for printed hats, shirts, or other promotional items for the business;

(vii) proof of business advertising using a vehicle sign, yard sign, bulletin boards, or posted flyers;

(viii) invoices billed to the business name or a bid proposal or estimate, either of which must include the address and phone number of the recipient;

(ix) vehicle registration(s) in the business name; or

(x) international fuel tax account number (IFTA) in the applicant's personal or business name.

(e) The applicant may submit any other supporting documentation. The department has discretion to assess the reliability of and determine the point value of any documentation not listed in this rule.

Authorizing statute(s): 39-3-202, 39-3-403, 39-51-301, 39-71-203, 39-71-417, MCA

Implementing statute(s): 39-3-201, 39-3-402, 39-51-201, 39-51-204, 39-71-417, 39-71-418, 39-71-419, MCA

Reasonable Necessity Statement

There is reasonable necessity to amend this rule to strike notarization requirements, for the reasons set forth in the general statement of reasonable necessity.

24.35.113 INDEPENDENT CONTRACTOR EXEMPTION CERTIFICATE WAIVER

(1) To execute a waiver, the applicant shall complete the department-approved waiver form. The waiver form must be signed by the applicant and ~~notarized~~ under oath. The applicant shall represent on the waiver form that:

(a) the applicant is engaged in each independently established trade, occupation, profession, or business that is specifically identified on the application form;

(b) the applicant is responsible for all taxes related to the applicant's work as an independent contractor;

(c) the applicant controls the details of how services are performed, both under contract and in fact, and the hiring agent retains only the control necessary to ensure the bargained for end result; and

(d) the applicant understands and agrees that if the ICEC is granted, the applicant is not eligible for and waives the right to workers' compensation or

occupational disease benefits for an injury or occupational disease related to work performed as an independent contractor in each independently established trade, occupation, profession, or business for which the ICEC is granted.

Authorizing statute(s): 39-3-202, 39-3-403, 39-51-301, 39-71-203, 39-71-417, MCA

Implementing statute(s): 39-3-201, 39-3-402, 39-51-201, 39-51-204, 39-71-417, 39-71-418, 39-71-419, MCA

Reasonable Necessity Statement

There is reasonable necessity to amend this rule to strike the notarization requirement, for the reasons set forth in the general statement of reasonable necessity.

24.35.117 ICEC RENEWAL, DECLARATION, AND WAIVER

(1) About two months prior to its expiration, the department will remind an ICEC holder of the expiration date of their ICEC.

(2) To renew an ICEC, the ICEC holder shall submit the following:

(a) signed ICEC renewal application on the department-approved form that indicates any changes in independent contractor status;

(b) certification that previously submitted documentation remains valid;

(c) additional documentation supporting independent contractor status, as needed;

(d) a fee, as required by ARM 24.35.121; and

(e) an executed waiver on the department-approved form.

(3) The department will verify documentation on file and evaluate all new documentation submitted by the ICEC holder. The department will assign point values to documentation, in accordance with ARM 24.35.112.

(4) The department has discretion to assess the reliability of and determine the point value of any documentation not listed in ARM 24.35.112.

(5) If the department is unable to verify any documentation needed to support independent contractor status, the department will notify the ICEC holder in writing within 30 days of receipt of the renewal application.

(6) To qualify for an ICEC renewal, the ICEC holder's documentation must be awarded a minimum of 15 points by the department for each independently established trade, occupation, profession, or business listed on the ICEC renewal application.

(7) An ICEC renewal issued by the department remains in effect for a two-year period unless the department revokes or suspends the ICEC or the ICEC holder requests in writing that the department cancel the ICEC.

(8) An ICEC holder may update the information on file with the department at any time during a current independent contractor exemption certificate period by requesting in person, over the phone, by e-mail, or in writing the revision of business name(s), business structure, phone number(s), or mailing address.

(9) An ICEC holder may add or change trade(s), occupation(s), profession(s), or business(es) to an ICEC, by ~~executing an affidavit and waiver and submitting sufficient, relevant documentation to qualify for a minimum of 15 points, in accordance with the requirements of ARM 24.35.112~~ submitting a complete application and meeting the requirements of statute and rule. When an addition is made pursuant to this section (9), the expiration date of the ICEC is not changed.

Authorizing statute(s): 39-51-301, 39-51-302, 39-71-203, 39-71-409, 39-71-417, MCA

Implementing statute(s): 39-51-201, 39-51-204, 39-71-105, 39-71-409, 39-71-417, 39-71-418, MCA

Reasonable Necessity Statement

There is reasonable necessity to amend this rule to strike the notarization requirements for the reasons set forth in the general statement of reasonable necessity. As a result, this rule is amended to clarify that the addition of trades to an ICEC are completed by application.

Small Business Impact

This rulemaking is expected to impact the class of individuals who work as independent contractors not from a fixed business location. These individuals are required to obtain an independent contractor exemption certificate to be exempted from workers' compensation, wage and hour, unemployment insurance, human rights, and individual income tax requirements relating to worker status. This rulemaking is not expected to have a significant or direct impact on these individuals, though the time required to complete an application may be reduced due to the lack of need for notarization.

Bill Sponsor Notification

The bill sponsor contact requirements do not apply.

Interested Persons

The agency maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the agency. Persons wishing to have their name added to the list may sign up at dli.mt.gov/rules or by sending a letter to P.O. Box 1728, Helena, Montana 59624 and indicating the program or programs about which they wish to receive notices.

Rule Reviewer

Quinlan L. O'Connor

Approval

Sarah Swanson, Commissioner

MONTANA
ADMINISTRATIVE
REGISTER

OFFICE OF PUBLIC INSTRUCTION

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-846.1

Summary

Background checks for certain public school employees and volunteers

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Hearing Date and Time

Friday, January 9, 2026, at 10:00 a.m.

Virtual Hearing Information

The Zoom meeting can be accessed at:

https://mt-gov.zoom.us/j/84752140305pwd=RbhO0Gp9y6DwBamYvWBYb4gWhllrM7.1

Via telephone at +1 646 558 8656

Meeting ID: 847 5214 0305

Password: 604981

Comments

Comments may be sent to the contact person below. Comments must be received by Friday, January 16, 2026, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Wednesday, January 7, 2026, at 5:00 p.m.

Contact

John Klein
(406) 444-2749
John.Klein@mt.gov

General Reasonable Necessity Statement

The proposed new rules would provide guidance to public schools and districts in the state on 20-3-323 and 20-3-324, MCA, as amended by House Bill 745 during the 2025 Legislative Session, on how student protection policies must ensure students are not left unattended with individuals at public schools and districts across the state who have not undergone fingerprint-based national criminal history background checks.

Rulemaking Actions

ADOPT

The rules proposed to be adopted are as follows:

NEW RULE 1 DEFINITIONS

For the purpose of implementing the provisions of 20-3-323(1)(d), MCA, the following definitions apply:

(1) “Contact" means any direct, personal interaction that involves communication or engagement of any kind between an adult and a student.

(2) "In school” means physically present in a public school, an offsite instructional setting as defined in 20-1-101, MCA, or a work-based learning setting as provided in 20-7-1510, MCA, for which school credit is granted.

(3) “In transit to a school-sponsored activity” means while a student is being provided transportation by a school district employee or a private contractor on a bus or other vehicle owned or contracted by the school district.

(4) “Momentary absence" means brief, temporary intervals during which a second adult is not physically present. Such absences are short, typically involving situations like stepping away for a bathroom break or addressing an urgent matter.

(5) “Public environment” means a location where multiple students are present or, in the context of work-based learning or school-sponsored activities, a space where the general public is allowed to enter. These environments are characterized by clear visibility and accessibility, allowing students to be seen or monitored by other students, staff members, or members of the public.

(6) “School-sponsored activity" means any event, program, or function that is organized, funded, or endorsed by a school district.

(7) "Unsupervised" means where one or more students are left unattended and alone in the physical presence of an adult.

Authorizing statute(s): 20-3-323, 20-3-324, MCA

Implementing statute(s): 2-4-308, 20-3-106, MCA

NEW RULE 2 REQUIREMENT FOR STUDENT PROTECTION POLICY

(1) A student protection policy adopted pursuant to 20-3-323, MCA, must ensure that students do not have unsupervised contact with an adult who has not undergone a fingerprint-based national criminal history background check that complies with the requirements of 20-3-323(1)(d), MCA. This means that a student may not be left unattended and alone in the physical presence of an adult who has not undergone such a background check, except for in the case of a momentary absence.

(2) When the fingerprint background check results are reviewed by someone other than the trustees or the superintendent of the district under 20-3-323(d)(ii), MCA, such individuals designated by the trustees to review the results of the background check are limited to individuals authorized by law to receive, review and share Criminal History Record Information (CHRI) with the district.

(3) Any individual reviewing the fingerprint background check results under (1) must possess a valid authorization from the person being fingerprinted to review and share the results with the district.

Authorizing statute(s): 20-3-323, 20-3-324, MCA

Implementing statute(s): 2-4-308, 20-3-106, MCA

Small Business Impact

The Office of Public Instruction (OPI) has determined that the adoption of the above-referenced rules will not significantly and directly impact small businesses. While small businesses that participate in work-based learning or school field trips may be impacted by the legislation that this rule implements, the proposed rules do not add any additional requirements.

Bill Sponsor Notification

The bill sponsor contact requirements apply and have been fulfilled. The primary bill sponsor was contacted by email on December 2, 2025.

Interested Persons

OPI maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Written requests may be mailed or delivered to the contact person listed above or may be made by completing a request form at any rules hearing held by the department.

Rule Reviewer

Aislinn Brown

Approval

Susie Hedalen, Superintendent of Public Instruction

MONTANA
ADMINISTRATIVE
REGISTER

BOARD OF OIL AND GAS CONSERVATION
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

NOTICE OF ADOPTION

MAR NOTICE NO. 2025-230.2

Summary

Amendment of ARM 36.22.1242 pertaining to reports by producers, tax report, and tax rate.

Previous Notice(s) and Hearing Information

On September 12, 2025, the Board of Oil and Gas Conservation and the Department of Natural Resources and Conservation published MAR Notice No. 2025-230.1 pertaining to the proposed amendment of the above-stated rule in the 2025 Montana Administrative Register, Issue Number 17. No public hearing was contemplated and no request for a hearing was made.

Final Rulemaking Action – Effective April 1, 2026

AMEND AS PROPOSED

The agency has amended the following rule as proposed:

36.22.1242 REPORTS BY PRODUCERS – TAX REPORT – TAX RATE

Statement of Reasons

No comments were received.

Contact

Ben Jones
(406) 656-0040
bjones@mt.gov
Montana Relay: 711

Rule Reviewer

Robert Stutz

Approval

Amanda Kaster, Director

Approval

Steve Durrett, Chair

MONTANA
ADMINISTRATIVE
REGISTER

DEPARTMENT OF ENVIRONMENTAL QUALITY

NOTICE OF ADOPTION

MAR NOTICE NO. 2025-205.2

Summary

Increasing annual underground storage tank system tank fees

Previous Notice(s) and Hearing Information

On August 22, 2025, the Department of Environmental Quality published MAR Notice No. 2025-205.1 regarding the proposed amendment of the agency's rules in Issue No. 16 of the 2025 Montana Administrative Register.

Final Rulemaking Action – Effective December 20, 2025

AMEND AS PROPOSED

The agency has amended the following rules as proposed:

17.56.1001 TANK FEE SCHEDULE

17.56.1404 LICENSE FEES

Statement of Reasons

No comments were received.

Contact

Legal Unit
(406) 444-1388
DEQrulemaking205@mt.gov

Rule Reviewer

Nicholas Whitaker

Approval

Sonja Nowakowski, Director

MONTANA
ADMINISTRATIVE
REGISTER

DEPARTMENT OF LABOR AND INDUSTRY

NOTICE OF ADOPTION

MAR NOTICE NO. 2025-209.2

Summary

Adopting rules for construction contractor licensing

Previous Notice(s) and Hearing Information

On November 7, 2025, the Department of Labor and Industry (agency) published MAR Notice No. 2025-209.1 regarding the public hearing on the proposed changes to the agency's rules, in the 2025 Montana Administrative Register, Issue No. 21.

On December 2, 2025, a public hearing was held on the proposed changes to the rules via the videoconference and telephonic platform. No comments were received by the comment deadline.

Final Rulemaking Action – Effective January 1, 2026

ADOPT AS PROPOSED

The agency has adopted the following rules as proposed:

NEW RULE 1 (24.227.401) FEES

NEW RULE 2 (24.227.403) APPLICATIONS

NEW RULE 3 (24.227.2301) UNPROFESSIONAL CONDUCT

REPEAL

The agency has repealed the following rules as proposed:

24.33.121 CONSTRUCTION CONTRACTOR APPLICATIONS AND FEES

24.33.135 SUSPENSION OF CONSTRUCTION CONTRACTOR REGISTRATION

24.33.142 REPORTING CERTIFICATE CHANGES

24.33.151 CERTIFICATES OF REGISTRATION

Statement of Reasons

No comments were received.

Contact

Department of Labor and Industry
(406) 444-5466
laborlegal@mt.gov
Montana Relay: 711

Rule Reviewer

Quinlan L. O'Connor

Approval

Sarah Swanson, Commissioner

MONTANA
ADMINISTRATIVE
REGISTER

BOARD OF DENTISTRY
DEPARTMENT OF LABOR AND INDUSTRY

NOTICE OF ADOPTION

MAR NOTICE NO. 2025-273.2

Summary

Legislative Implementation of House Bills 246, 321, and 584

Previous Notice(s) and Hearing Information

On October 10, 2025, the Board of Dentistry (agency) published MAR Notice No. 2025-273.1 regarding the public hearing on the proposed changes to the agency's rules, in the 2025 Montana Administrative Register, Issue No. 19.

On November 3, 2025, a public hearing was held on the proposed changes to the rules via the videoconference and telephonic platform. Comments were received by the comment deadline.

Final Rulemaking Action – Effective December 20, 2025

ADOPT AS PROPOSED

The agency has adopted the following rule as proposed:

NEW RULE 1 (24.138.520) SUBSTANTIAL EQUIVALENCY

AMEND AS PROPOSED

The agency has amended the following rules as proposed:

24.138.301 DEFINITIONS

24.138.425 LIMITED ACCESS PERMIT TREATMENT GUIDELINES–PRACTICING UNDER PUBLIC HEALTH SUPERVISION

24.138.509 DENTAL HYGIENE LIMITED ACCESS PERMIT

24.138.3221 MINIMUM QUALIFYING STANDARDS

24.138.3227 ONSITE INSPECTION OF PERMIT HOLDERS

Statement of Reasons

The agency has considered the comments and testimony received. A summary of the comments received, and the agency's responses are as follows:

Comment 1: Several commenters expressed support for the proposed rules, indicating the commenters believe the rules comply with the statutes as set forth by the legislature, especially the school-based oral health programs.

Response 1: The board appreciates all comments received during the rulemaking process.

Comment 2: Numerous commenters expressed full support for the board's proposed changes.

Response 2: The board appreciates all comments received during the rulemaking process.

Contact

Department of Labor and Industry
(406) 444-5466
laborlegal@mt.gov
Montana Relay: 711

Rule Reviewer

Jennifer Stallkamp

Approval

Sarah Swanson, Commissioner

Approval

Jill Frazier, D.D.S., Chair, Board of Dentistry

MONTANA
ADMINISTRATIVE
REGISTER

BOARD OF OUTFITTERS
DEPARTMENT OF LABOR AND INDUSTRY

NOTICE OF ADOPTION

MAR NOTICE NO. 2025-321.2

Summary

Implementation of House Bill 246 pertaining to substantial equivalency

Previous Notice(s) and Hearing Information

On October 10, 2025, the Board of Outfitters (agency) published MAR Notice No. 2025-321.1 regarding the public hearing on the proposed changes to the agency's rules, in the 2025 Montana Administrative Register, Issue No. 19.

On October 31, 2025, a public hearing was held on the proposed changes to the rules via the videoconference and telephonic platform. No comments were received by the comment deadline.

Final Rulemaking Action – Effective December 20, 2025

ADOPT AS PROPOSED

The agency has adopted the following rule as proposed:

NEW RULE 1 (24.171.419) SUBSTANTIAL EQUIVALENCY

Statement of Reasons

No comments were received.

Contact

Department of Labor and Industry
(406) 444-5466
laborlegal@mt.gov
Montana Relay: 711

Rule Reviewer

Quinlan L. O'Connor

Approval

Sarah Swanson, Commissioner

Approval

John Way, Chair, Board of Outfitters

MONTANA
ADMINISTRATIVE
REGISTER

BOARD OF ARCHITECTS AND LANDSCAPE ARCHITECTS
DEPARTMENT OF LABOR AND INDUSTRY

NOTICE OF ADOPTION

MAR NOTICE NO. 2025-325.2

Summary

Implementing HB 246 pertaining to substantial equivalency

Previous Notice(s) and Hearing Information

On October 10, 2025, the Board of Architects and Landscape Architects (agency) published MAR Notice No. 2025-325.1 regarding the public hearing on the proposed changes to the agency's rules, in the 2025 Montana Administrative Register, Issue No. 19.

On October 30, 2025, a public hearing was held on the proposed changes to the rules via the videoconference and telephonic platform. No comments were received by the comment deadline.

Final Rulemaking Action – Effective December 20, 2025

ADOPT AS PROPOSED

The agency has adopted the following rule as proposed:

NEW RULE 1 (24.114.409) SUBSTANTIAL EQUIVALENCY

Statement of Reasons

No comments were received.

Contact

Department of Labor and Industry
(406) 444-5466
laborlegal@mt.gov
Montana Relay: 711

Rule Reviewer

Jennifer Stallkamp

Approval

Sarah Swanson, Commissioner

Approval

Maire Eithne O'Neill, Chair, Board of Architects and Landscape Architects

MONTANA
ADMINISTRATIVE
REGISTER

BOARD OF SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS
DEPARTMENT OF LABOR AND INDUSTRY

NOTICE OF ADOPTION

MAR NOTICE NO. 2025-417.2

Summary

Substantial equivalency for the Board of Speech-Language Pathologists and Audiologists

Previous Notice(s) and Hearing Information

On November 7, 2025, the Board of Speech-Language Pathologists and Audiologists (agency) published MAR Notice No. 2025-417.1 regarding the public hearing on the proposed changes to the agency's rules, in the 2025 Montana Administrative Register, Issue No. 21.

On November 28, 2025, a public hearing was held on the proposed changes to the rules via the videoconference and telephonic platform. No comments were received by the comment deadline.

Final Rulemaking Action – Effective December 20, 2025

ADOPT AS PROPOSED

The agency has adopted the following rule as proposed:

NEW RULE 1 (24.222.425) SUBSTANTIAL EQUIVALENCY

Statement of Reasons

No comments were received.

Contact

Department of Labor and Industry
(406) 444-5466
laborlegal@mt.gov
Montana Relay: 711

Rule Reviewer

Quinlan L. O'Connor

Approval

Sarah Swanson, Commissioner

Approval

Hillary Carter, Presiding Officer, Board of Speech-Language Pathologists and Audiologists

MONTANA
ADMINISTRATIVE
REGISTER

DEPARTMENT OF REVENUE

NOTICE OF ADOPTION

MAR NOTICE NO. 2025-443.2

Summary

Notice of amendment of ARM 42.21.154, 42.21.155, 42.21.158, and 42.22.1311 pertaining to personal property depreciation schedules and trend tables; the department's implementation of House Bill 108 (2025); adjusting residual depreciation for industries; and a proposed revision to the personal property reporting deadline

Previous Notice(s) and Hearing Information

On November 7, 2025, the Department of Revenue published MAR Notice No. 2025-443.1 pertaining to the proposed amendment of the above-stated rules in the 2025 Montana Administrative Register, Issue Number 21. No persons attended the December 1, 2025, public hearing, and the department did not receive any comments to the proposed rulemaking.

Final Rulemaking Action – Effective January 1, 2026

AMEND AS PROPOSED

The agency has amended the following rules as proposed:

42.21.154 ANNUAL VALUATION OF PERSONAL PROPERTY

42.21.155 PERSONAL PROPERTY CATEGORIES AND TRENDED DEPRECIATION METHODOLOGIES

42.21.158 PERSONAL PROPERTY REPORTING REQUIREMENTS

42.22.1311 INDUSTRIAL MACHINERY AND EQUIPMENT TREND FACTORS

Statement of Reasons

No comments were received.

Contact

Todd Olson, Rule Reviewer - Department of Revenue, Legal Services Office
(406) 444-7905
todd.olson@mt.gov

Rule Reviewer

Todd Olson

Approval

Scott Mendenhall, Deputy Director of Revenue

MONTANA
ADMINISTRATIVE
REGISTER

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTION

MAR NOTICE NO. 2025-172.2

Summary

The department has adopted new rules creating procedures to address camping and removal and storage of personal property in the right-of-way of state highways.

Previous Notice(s) and Hearing Information

On October 10, 2025, the department published MAR Notice No. 2025-172.1 regarding the proposed adoption of new rules in the Montana Administrative Register, Issue No. 19. A virtual hearing was held October 31, 2025. The comment period ended on November 7, 2025. No comments were received.

Final Rulemaking Action – Effective December 20, 2025

ADOPT AS PROPOSED

The agency has adopted the following rules as proposed:

NEW RULE 1 (18.7.401) DEFINITIONS

NEW RULE 2 (18.7.402) CLEANUP NOTICES

NEW RULE 3 (18.7.403) CLEANUP PROCESS

NEW RULE 4 (18.7.404) STORAGE AND DISPOSAL OF PERSONAL PROPERTY

Statement of Reasons

No comments were received.

Contact

Aliselina Strong
406-444-9415
astrong@mt.gov

Rule Reviewer

Liz Franklin

Approval

Christopher Dorrington, Director

MONTANA
ADMINISTRATIVE
REGISTER

PUBLIC EMPLOYEES' RETIREMENT BOARD

NOTICE OF ADOPTION

MAR NOTICE NO. 2025-418.2

Summary

This rulemaking generally revised ARM 2.43.2114, 2.43.2309, 2.43.2606, and 2.43.2901 to remove outdated language and for clarity and consistency with current administrative practices. The rulemaking further repealed ARM 2.43.2308 and 2.43.3533 as they were no longer necessary due to changes to the law.

Previous Notice(s) and Hearing Information

On October 24, 2025, the Public Employees' Retirement Board published MAR Notice 2025-418.1, regarding the proposed amendment of the above rules and the repeal of the above stated rules, in the 2025 Montana Administrative Register, Issue No. 20.

No public hearing was held or requested.

Final Rulemaking Action – Effective December 20, 2025

AMEND AS PROPOSED

The agency has amended the following rules as proposed:

2.43.2114 REQUIRED EMPLOYER REPORTS

2.43.2309 SERVICE PURCHASES BY INACTIVE VESTED MEMBERS

2.43.2606 COMMENCEMENT OF GUARANTEED ANNUAL BENEFIT ADJUSTMENT

2.43.2901 REFUNDS TO MEMBERS

REPEAL

The agency has repealed the following rules as proposed:

2.43.2308 MOST RECENT SERVICE PURCHASED FIRST

2.43.3533 REALLOCATION OF CERTAIN PERS EMPLOYER CONTRIBUTIONS TO DCRP MEMBER ACCOUNTS

Statement of Reasons

No comments were received.

Contact

Kris Vladic
406-444-2578
kvladic@mt.gov
Fax: 406-444-5428

Rule Reviewer

Nicholas Domitrovich, Chief Legal Counsel

Approval

Maggie Peterson

President

MONTANA
ADMINISTRATIVE
REGISTER

SECRETARY OF STATE

NOTICE OF ADOPTION

MAR NOTICE NO. 2025-251.3

Summary

The rulemaking adopts the proposed new draft of the Ballot Layout Guide.

Previous Notice(s) and Hearing Information

On September 26, 2025, the Secretary of State published MAR Notice No. 2025-251.1 pertaining to the public hearing on the proposed amendment of the below-stated rule in Issue 18 of the 2025 Montana Administrative Register. A public hearing was held on October 17, 2025.

On November 7, 2025, the Secretary of State published MAR 2025-251.2, a supplemental notice on the proposed amendment of the below-stated rule in Issue 21 of the 2025 Montana Administrative Register.

Final Rulemaking Action – Effective December 20, 2025

AMEND AS PROPOSED

The agency has amended the following rule as proposed in the supplemental notice:

44.3.2408 BALLOT FORM AND UNIFORMITY

Statement of Reasons

No comments were received.

Contact

Andy Ritter
(406) 444-7911
andrew.ritter@mt.gov
Montana Relay: 711
Fax: (406) 444-3976

Rule Reviewer

Austin Markus James

Approval

Christi Jacobsen, Secretary of State

MONTANA
ADMINISTRATIVE
REGISTER

DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

SUPPLEMENTAL NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-112.2

Summary

Amendment of ARM 37.36.604 pertaining to the Montana Accessible Communications (MTAC) Financial Eligibility Criteria

Reason for Supplemental Notice

On November 7, 2025, the Department of Public Health and Human Services (department) published MAR Notice No. 2025-112.1 regarding the public hearing on the proposed amendment of the above-stated rule, in the 2025 Montana Administrative Register, Issue No. 21. A public hearing was scheduled for December 1, 2025, via remote conferencing to consider the proposed amendment of the above-stated rules.

Due to unforeseen technical difficulties, the hearing was not held. Therefore, the department is publishing this supplemental notice and rescheduling the public hearing as shown below.

Hearing Date and Time

Thursday, January 8, 2026, at 9:00 a.m.

Virtual Hearing Information

Join Zoom Meeting: https://mt-gov.zoom.us/j/88649913418?pwd=UvbXGqrxTSfIvlNLbAfsDV65yqUQSD.1

Meeting ID: 886 4991 3418 and Password: 229878

Dial by Telephone: +1 646 558 8656

Meeting ID: 886 4991 3418 and Password: 229878

Find your local number: https://mt-gov.zoom.us/u/kAXpu1tAe

Comments

Comments may be submitted using the contact information below. Comments must be received by Friday, January 16, 2026, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Friday, December 26, 2025, at 5:00 p.m.

Contact

Bailey Yuhas
(406) 329-7913
hhsadminrules@mt.gov
Fax: (406) 444-9744

Rule Reviewer

Olivia Schuler

Approval

Charles T. Brereton, Director
Department of Public Health and Human Services

MONTANA
ADMINISTRATIVE
REGISTER

DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

SUPPLEMENTAL NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-129.2

Summary

Amendment of ARM 37.34.3005 pertaining to the Developmental Disabilities Program Rates and Billing Manual

Reason for Supplemental Notice

On November 7, 2025, the Department of Public Health and Human Services (department) published MAR Notice No. 2025-112.1 regarding the public hearing on the proposed amendment of the above-stated rule, in the 2025 Montana Administrative Register, Issue No. 21. A public hearing was scheduled for December 2, 2025, via remote conferencing to consider the proposed amendment of the above-stated rule.

Due to unforeseen technical difficulties, the hearing was not held. Therefore, the department is publishing this supplemental notice and rescheduling the public hearing as shown below.

Hearing Date and Time

Friday, January 9, 2026, at 10:00 a.m.

Virtual Hearing Information

Join Zoom Meeting: https://mt-gov.zoom.us/j/89440959861?pwd=AR5yZf7OZ2s4NhZbjvOqCGVMRQD9C5.1

Meeting ID: 894 4095 9861 and Password: 508972

Dial by Telephone: +1 646 558 8656

Meeting ID: 894 4095 9861 and Password: 508972

Find your local number: https://mt-gov.zoom.us/u/kwJfMJndT

Comments

Comments may be submitted using the contact information below. Comments must be received by Friday, January 16, 2026, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Friday, December 26, 2025, at 5:00 p.m.

Contact

Bailey Yuhas
(406) 329-7913
hhsadminrules@mt.gov
Fax: (406) 444-9744

Rule Reviewer

Olivia Schuler

Approval

Charles T. Brereton, Director
Department of Public Health and Human Services

MONTANA
ADMINISTRATIVE
REGISTER

DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

SUPPLEMENTAL NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-93.2

Summary

Amendment of ARM 37.40.307 and 37.40.315 pertaining to Medicaid Nursing Facility Rates

Reason for Supplemental Notice

On November 7, 2025, the Department of Public Health and Human Services (department) published MAR Notice No. 2025-93.1 regarding the public hearing on the proposed amendment of the above-stated rules, in the 2025 Montana Administrative Register, Issue No. 21. A public hearing was scheduled for December 1, 2025, via remote conferencing to consider the proposed amendment of the above-stated rules.

Due to unforeseen technical difficulties, the hearing was not held. Therefore, the department is publishing this supplemental notice and rescheduling the public hearing as shown below.

Hearing Date and Time

Friday, January 9, 2026, at 9:00 a.m.

Virtual Hearing Information

Join Zoom Meeting: https://mt-gov.zoom.us/j/83137243893?pwd=EbT5yGW1qKn6ZjVlfhP0bbg8jw0hMc.1

Meeting ID: 831 3724 3893 and Password: 604346

Dial by Telephone: +1 646 558 8656

Meeting ID: 831 3724 3893 and Password: 604346

Find your local number: https://mt-gov.zoom.us/u/kcMYR0EORA

Comments

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Contact

Bailey Yuhas
(406) 329-7913
hhsadminrules@mt.gov
Fax: (406) 444-9744

Rule Reviewer

Robert Lishman

Approval

Charles T. Brereton, Director
Department of Public Health and Human Services

MONTANA
ADMINISTRATIVE
REGISTER

OFFICE OF THE GOVERNOR

VACANCIES AND APPOINTMENTS

DECEMBER 2025

UPCOMING VACANCIES – JANUARY 2026

- Montana Grass Conservation Commission
- Board of Horse Racing
- Board of Occupational Therapy Practice
- Traumatic Brain Injury Advisory Council

https://governor.mt.gov/boards_appointments/

RECENT APPOINTMENTS – NOVEMBER 2025

Building Codes Council

- Thomas Kuntz
  - 11/24/25 - 10/1/26
  - Qualifications: Montana Fire Chiefs Association Representative
  - Predecessor: None given

Early Childhood Account Board

- Tracy Moseman
  - 11/24/25 - 7/1/26
  - Qualifications: Early Childhood and Family Support Division Representative
  - Predecessor: New
- Kathleen Deserly
  - 11/24/25 - 7/1/27
  - Qualifications: Division that oversees American Indian Health
  - Predecessor: New
  -
- Crystal Armstrong

        - 11/24/25 - 7/1/28
        - Qualifications: Department of Labor and Industry Representative
        - Predecessor: New
    - Jackie Ronning
        - 11/24/25 - 7/1/26
        - Qualifications: Office of Public Instruction Representative
        - Predecessor: New
    - MacKenzie Espeland
        - 11/24/25 - 7/1/27
        - Qualifications: Department of Commerce Representative
        - Predecessor: New
    - Caitlin Jensen
        - 11/24/25 - 7/1/28
        - Qualifications: Early Childhood Organization Representative
        - Predecessor: New
    - Tory Malek
        - 11/24/25 - 7/1/28
        - Qualifications: Parent Representative
        - Predecessor: New
    - Angie Porch
        - 11/24/25 - 7/1/27
        - Qualifications: Child Care Provider
        - Predecessor: New
    - Louisa Libertelli-Dunn
        - 11/24/25 - 7/1/28
        - Qualifications: Child-Care Provider
        - Predecessor: New
    - Beth Branam
        - 11/24/25 - 7/1/28
        - Qualifications: Early Childhood Organization Representative
        - Predecessor: New

Public Safety Officer Standards and Training Council (POST)

- Chanel Waples
    - 11/4/25 - 1/2/29
    - Qualifications: Public Safety Communications Officer
    - Predecessor: None listed
- James Anderson II
    - 11/4/25 - 1/2/29
    - Qualifications: Montana citizen at-large informed and experienced in the subject of law enforcement
    - Predecessor: Kimberly Burdick
- Brian Casey
    - 11/4/25 - 1/2/29
    - Qualifications: State Government Law Enforcement Representative

        - Predecessor: Reappointed
    - Leo Dutton
        - 11/4/25 - 1/2/29
        - Qualifications: Board of Crime Control Representative
        - Predecessor: Reappointed
    - Jesse Slaughter
        - 11/4/25 - 1/2/29
        - Qualifications: Chairperson - Sheriff
        - Predecessor: Reappointed
    - William Smith
        - 11/4/25 - 1/2/29
        - Qualifications: Detention Center Administrator of Detention Officer
        - Predecessor: Reappointed
    - Jim Thomas
        - 11/4/25 - 1/2/29
        - Qualifications: Montana citizen at-large who is informed and experienced in the subject of law enforcement
        - Predecessor: James Thomas
    - John Schaffer
        - 11/4/25 - 1/1/27
        - Qualifications: Department of Corrections Representative
        - Predecessor: Jim Anderson

Rangeland Resources Committee

- Diane Ahlgren
    - 11/4/25 - 1/1/27
    - Qualifications: Rancher
    - Predecessor: Reappointed
- Jim Anderson
    - 11/4/25 - 1/1/27
    - Qualifications: Rancher from the northern area of the state
    - Predecessor: Reappointed
- Sigurd Jensen
    - 11/4/25 - 1/1/27
    - Qualifications: Rancher from west of the Continental Divide
    - Predecessor: Reappointed
- Ryan Green
    - 11/4/25 - 1/1/29
    - Qualifications: Rancher from the northern area of the state
    - Predecessor: John Hollenback
- Steven Carey
    - 11/4/25 - 1/1/29
    - Qualifications: Rancher from the southern area of the state
    - Predecessor: Leah Lewis
- Perri Jacobs

- 11/4/25 - 1/1/29
- Qualifications: Rancher from the eastern area of the state
- Predecessor: Ron Devlin

Rare Disease Advisory Council

- Brett Baker
  - 11/24/25 - 7/1/27
  - Qualifications: Biopharmaceutical Industry Representative
  - Predecessor: New
- Erin Hoch
  - 11/24/25 - 7/1/27
  - Qualifications: Caregiver of an individual with a rare disease
  - Predecessor: New
- Ellen Job
  - 11/24/25 - 7/1/29
  - Qualifications: Geneticist or Genetic Counselor
  - Predecessor: New
- Jaclyn Haven
  - 11/24/25 - 7/1/29
  - Qualifications: Hospital administrator or designee from a hospital that provides care for people with rare diseases
  - Predecessor: New
- Melanie Reynolds
  - 11/24/25 - 7/1/27
  - Qualifications: Individual with a rare disease
  - Predecessor: New
- Joseph Cross
  - 11/24/25 - 7/1/29
  - Qualifications: Individual with a rare disease
  - Predecessor: New
- Michele McKinnie
  - 11/24/25 - 7/1/29
  - Qualifications: Mental Health Care Provider
  - Predecessor: New
- Kelsey Bell
  - 11/24/25 - 7/1/27
  - Qualifications: Medicaid representative
  - Predecessor: New
- Deborah Gibson
  - 11/24/25 - 7/1/27
  - Qualifications: Public Health Laboratory representative
  - Predecessor: New
- Siera Boyd
  - 11/24/25 - 7/1/29

        - Qualifications: Pharmacist with experience dispensing drugs used to treat rare diseases
        - Predecessor: New
    - Elizabeth Wood
        - 11/24/25 - 7/1/29
        - Qualifications: Physician with experience treating rare diseases
        - Predecessor: New
    - Jennifer Banna
        - 11/24/25 - 7/1/27
        - Qualifications: Rare disease patient organization in Montana representative
        - Predecessor: New
    - Patrick Secor
        - 11/24/25 - 7/1/27
        - Qualifications: Academic research institution representative
        - Predecessor: New
    - Caitlyn Patera
        - 11/24/25 - 7/1/29
        - Qualifications: RN or APRN
        - Predecessor: New
    - Marshall Bloom
        - 11/24/25 - 7/1/29
        - Qualifications: Rare Disease Research Community representative
        - Predecessor: New

State-Tribal Economic Development Commission

- Yolanda Old Dwarf
    - 11/4/25 - 7/1/27
    - Qualifications: Crow Tribe representative
    - Predecessor: Shawn Backbone
- Paulette Butterfly
    - 11/4/25 - 7/1/27
    - Qualifications: Blackfeet Tribes representative
    - Predecessor: Cheryl Reevis
- Ted Whitford
    - 11/24/25 - 7/1/26
    - Qualifications: Chippewa Cree Tribe representative
    - Predecessor: Richard Sangrey